IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FIFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE B.PRAKASH RAO

WRIT PETITION No. 11238 of 2004

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Between:

Madaka Ramachandrudu, s/o.Venkaiah,
R/o.Gallavandlapalle, Mydukuru Mandal, Cuddapah Dist.

..... PETITIONER

AND

1 The Commissioner of Endowments, A.P., Hyderabad.
2 The Asst.Commissioner, Endowments Dept.Kadapa.
3 The Asst.Commissioner-cum-Executive officer, Sri Nandyalamma

Devatha Devasthanam, Nandyalampet Village, Mydukuru Mandal,

Kadapa Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in issuing the auction notice dated 25-6-2004 purporting to auction the lease hold rights of the lands in Sy.No.70/1 to an extent of Ac.3.24 cents, Gallavandlapalli village, Mydukuru Mandal, Kadapa District, scheduled to be conducted on 5-7-2004, as illegal, arbitrary and unconstitutional and consequently set-aside the same.

Counsel for the Petitioner : Mr.T.SRIKANTH REDDY

Counsel for the Respondents: GP FOR ENDOWMENTS

The Court made the following :

ORDER

Heard both sides and at their request, the main writ petition itself is taken up for disposal.

The petitioner herein, who claims to be cultivating tenant in respect of land in Sy.No.70/1 to an extent of Ac.3-24 cents situated at Gallavandlapalli village, Mydukuru mandal, Kadapa District, filed this writ petition inter alia seeking to assail the action of the respondents in conducting the auction of leasehold rights in pursuance of notice dated 25.6.2004 as illegal and arbitrary.

The case of the petitioner is that for the last 30 years, he is in possession of the lands as cultivating tenant by paying rents. His further case is that he made a representation to the respondents to allot the said land on payment of market value and the second respondent vide his proceedings dated 21.2.1997 had recommended to the first respondent and requested to accord permission for selling away the land in favour of sitting cultivating tenants and in spite of the same, respondents are conducting auction.

In the counter affidavit filed by the third respondent, it is stated that though the petitioner was a tenant earlier and his lease was expired by the year 1996 itself, he has not paid any lease amounts from that year onwards. The receipt filed along with the writ petition is only pertains to the year 1996. Neither the amounts are being paid regularly nor the 3rd respondent institution is able to realise the amounts from the petitioner. The case of the respondents is also that several letters have been issued to the petitioner but the same were returned on the ground that the petitioner left the village. However, it is not the case of the petitioner that he is not the resident of the village. Hence no indulgence need be shown.

Having considered the submissions made and on perusal of the material, it is

seen that the present attempt on the part of the petitioner is only to stall the auction, which is being conducted for the purpose of leasing out the said lands. The petitioner admittedly has not made any payments from the year 1996 onwards. Unless and until the auction is conducted, one would not know the exact returns, which normally the land will fetch. Further, when the lease having been expired and the petitioner did not make any payments of rents for the cultivation after 1996, he has no locus or any right to continue in possession or claim any interest in the said land.

Hence, I do not find any merit in the writ petition and the same is accordingly dismissed. No costs. However, the petitioner is permitted to participate in the auction to be conducted by the respondents for the said land and to give offer, which offer shall be considered by the respondents, only on making clearance of all the arrears existing as on today.

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B.PRAKASH RAO, J

Date: 25.8.2004

NOTE:

ISSUE C.C. IN (2) DAYS.

B/O

DA/KVRK

To

1 The Commissioner of Endowments, A.P., Hyderabad.
2 The Asst.Commissioner, Endowments Dept.Kadapa.
3 The Asst.Commissioner-cum-Executive officer, Sri Nandyalamma

Devatha Devasthanam, Nandyalampet Village, Mydukuru Mandal,

Kadapa Dist.

4 Two CCs to the G.P. for Endowments, High Court of A.P.,

Hyderabad.

5 Two CD copies.

THE HON'BLE SRI JUSTICE B.PRAKASH RAO

WRIT PETITION No. 11238 of 2004

25.8.2004